

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA, :

Plaintiff, :

v. :

MARK HOLZWANGER and :  
ANDREW MUHLSTOCK, :

Defendants. :

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Criminal No. 10-00714 (JAP)

**ORDER**

The October 21, 2010 Indictment in this criminal case charged Defendants Mark Holzwanger, Andrew Muhlstock, Russell Speranza and Stephen Guthartz with three counts of wire fraud in violation of 18 U.S.C. § 1343. Russell Speranza and Stephen Guthartz entered into plea agreements with the Government on June 30, 2011, and July 27, 2011, respectively. A jury trial was held as to the remaining Defendants, Mark Holzwanger and Andrew Muhlstock, from August 8, 2011 to August 29, 2011. Defendants Holzwanger and Muhlstock moved for a judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29(c) on August 19, 2011 [docket entries no. 112, 114]. The Court reserved decision on this Motion. Trial Tr. 1487:12-22, August 19, 2011. On August 29, 2011, the jury returned a verdict of guilty on two counts of wire fraud and not-guilty on the third for Defendant Holzwanger [docket entry no. 132]. As to Defendant Muhlstock, the jury was deadlocked [docket entry no. 133]. On September 14, 2011, Defendant Mark Holzwanger moved for a new trial pursuant to Federal Rule of Criminal Procedure 33 [docket entry no. 140]. The Government opposed the Rule 29 and Rule 33 Motions [docket entry no. 141]. For the reasons set forth in the accompanying Opinion,

**IT IS**, on this 8th day of March, 2012,

**ORDERED** that Defendants Holzwanger and Muhlstock's joint Motion for a Judgment of Acquittal under Rule 29 [docket entries no. 112, 114] is granted; and it is further

**ORDERED** that Defendant Holzwanger's conviction [docket entry no. 132] is vacated; and it is further

**ORDERED** that a Judgment of Acquittal is entered as to Defendants Holzwanger and Muhlstock.

/s/ Joel A. Pisano  
JOEL A. PISANO  
United States District Judge